

REMARKS

Restriction/Election

In the August 12, 2009 Office Action, the Examiner imposed a restriction requirement against claims 1-43, and required that an election be made between:

Group I: claims 1-17, drawn to compositions for removing photoresists, classified in class 510, subclass 175; and

Group II: claims 18-43, drawn to method of removing photoresists from a wafer substrate, classified in class 134, subclass 1.3.

Applicants hereby elect, with traverse, Group I claims 1-17 drawn to compositions for removing photoresists.

The traverse is based on the fact that the rationale for restriction is in error. The composition recited in claim 1 is the same as that recited in method claim 18, insofar as the specifically recited components of the composition are concerned, and thus are not independent and distinct from claim 1, as is necessary under 35 U.S.C. §121 as a basis for proper restriction.

It therefore is requested that the restriction requirement be reconsidered, and that all claims 1-43 be retained in consolidation form for further examination and prosecution on the merits.

If the restriction requirement is nonetheless made final, applicants alternatively request rejoinder of method claims 18-43 under provisions of MPEP §821.04 upon confirmation of allowable subject matter of the Group I claims 1-17. Such rejoinder would be fully proper under these circumstances for the following reasons.

When an application as originally filed discloses a product and the process for making and/or using such product, and only the claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the process of

making and/or using the patentable product for examination through the rejoinder procedure in accordance with MPEP §821.04, provided that the process claims depend from or include all the limitations of the allowed product claims.

In the present application the elected claims 1-17 are directed to an aqueous-based removal composition useful for removing photoresist, bottom anti-reflective coating (BARC) materials, and/or gap fill materials from a substrate having such material(s) thereon, said composition comprising a fluoride source, at least one organic amine, at least one organic solvent, water, optionally at least one chelating agent, and optionally at least one surfactant. Consistent with the provisions of the MPEP §821.04, when the product claims 1-17 are subsequently found allowable, the withdrawn method claims 18-43 should properly be rejoined for examination.

Petition for Extension of Time/Fees Payable

Applicants hereby petition for a two (2) month extension of time, extending the deadline for responding to the August 12, 2009 Office Action from September 12, 2009 to November 12, 2009. The fee of \$490.00 specified in 37 CFR §1.17(a)(2) for such two (2) month extension is hereby enclosed.

The total fee of \$490.00 is being paid using Electronic Funds Transfer. In addition, the Office is authorized to charge any deficiency, or credit any overpayments, in applicable fees for this response to Deposit Account No. 13-4365 of Moore & Van Allen PLLC.

Conclusion

Claims 1-17 are now in form and condition for examination. If any additional issues remain, the Examiner is requested to contact the undersigned attorney at (919) 286-8090 to discuss same.

Respectfully submitted,

MOORE & VAN ALLEN PLLC



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By: _____

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